

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652

vs.

HON. GEORGE CARAM STEEH

DEVON PATTERSON (D-10),

Defendants.

_____ /

OPINION AND ORDER GRANTING DEFENDANT DEVON
PATTERSON'S MOTION FOR BILL OF PARTICULARS [DOC. 600]

This matter is before the court on defendant Devon Patterson's motion for a bill of particulars as to Count 32, possession of a firearm during a crime of violence. The motion is joined in by defendants Billy Arnold, Quincy Graham, Michael Rogers and Robert Brown. The court held oral argument on the motion on September 11, 2017. For the reasons stated in this order, defendant's motion is granted.

Defendant Patterson is charged in Count 1, RICO Conspiracy and Count 32, Possession of a Firearm in Furtherance of a Crime of Violence. Patterson argues that he requires a bill of particulars to defend himself against Count 32 in particular, which fails to advise what firearm he is alleged to have possessed and when the illegal act occurred. Furthermore,

the heading of Count 32 refers to a single “firearm” while the body of the account refers to multiple “firearms.”

The purpose of a bill of particulars is set forth in *United States v. Brimley*, 529 F.2d 103, 108 (6th Cir. 1976):

The purpose of a bill of particulars is to inform the defendant of the nature of the charge against him with sufficient precision to enable him to prepare for trial, to avoid or minimize the danger of surprise at the time of trial, and to enable him to plead his acquittal or conviction in bar of another prosecution for the same offense when the indictment itself is too vague, and indefinite for such purpose.

Granting a request for a bill of particulars is within the discretion of the court.

At oral argument the government proposed that it produce a bill of particulars, providing the nexus of the gun to the crime charged and pointing to specific evidence contained in the Jencks materials. The court adopts the government’s proposal, finding it to be a reasonable resolution to the problems raised in defendant’s motion. The bill of particulars is to be provided 30 days prior to trial.

IT IS SO ORDERED.

Dated: September 13, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
September 13, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk